

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MELISSA J. TILLMAN,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

Civil Action No. 7:13-CV-113 (HL)

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Thomas Langstaff (Doc. 12) that this Court should deny Plaintiff Melissa Tillman's appeal of the Commissioner of Social Security's final decision denying her application for disability benefits. Plaintiff has filed Objections (Doc. 13) to the Recommendation, but after making a *de novo* review, the Court accepts and adopts the Recommendation in full.

In reviewing the Commissioner's decision on the Plaintiff's application for disability benefits, this Court may only determine whether the decision was supported by substantial evidence and whether the correct legal standards were applied. See Walker v. Brown, 826 F.2d 996, 999 (11th Cir. 1987) (per curiam). Plaintiff raises two challenges to the denial of her application. First, Plaintiff contends that the Administrative Law Judge ("ALJ") erred by failing to give proper

weight to the opinions of Plaintiff's treating physician and other medical personnel. Second, Plaintiff argues that the ALJ erred by discrediting Plaintiff's credibility. Neither of Plaintiff's arguments convinces the Court that the Commissioner's decision should be over-turned based on the limited review allowed to this Court.

The ALJ did not err in rejecting the medical opinions presented by Plaintiff. Although the opinion of a treating physician must usually be given substantial weight, an ALJ may reject the opinion if the "(1) treating physician's opinion was not bolstered by the evidence; (2) evidence supported a contrary finding; or (3) [the] treating physician's opinion was conclusory or inconsistent with the doctor's own medical records." Phillips v. Barnhart, 357 F.3d 1232, 1241 (11th Cir. 2004) (citation omitted). In this case, the ALJ found good cause for disregarding Dr. Eric Fan's opinion that Plaintiff was disabled because the psychiatrist only examined Plaintiff on a few occasions, he failed to use diagnostic or clinical techniques to reach his opinion, and other evidence in the record conflicted with his conclusion. As for the opinions of the physician's assistant and licensed counselor who treated Plaintiff, the ALJ was not required to afford them substantial weight, and the ALJ understandably declined to adopt them since they were not supported by objective evidence.

Plaintiff's second argument also fails. In deciding that Plaintiff was less than fully credible in testifying about her medical condition, the ALJ applied the

correct legal standard. There is also substantial evidence in the record to support such an assessment of Plaintiff's credibility.

Because Plaintiff has provided no grounds for this Court's limited review to over-turn the Commissioner's decision, the Court accepts and adopts the Magistrate Judge's Recommendation in full. The Commissioner's decision is affirmed pursuant to Sentence Four of 42 U.S.C. § 405(g).

SO ORDERED, this 3rd day of September, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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